

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA,

Plaintiff,

vs.

CLASSIC PLUMBING, INC., et al.,

Defendants.

SHARP PLUMBING, INC.,

Third-Party Plaintiff,

vs.

NATIONAL FIRE & MARINE INSURANCE
COMPANY; and DOES 1 through 100, inclusive,

Third-Party Defendants.

NATIONAL FIRE & MARINE INSURANCE
COMPANY,

Counterclaimant,

vs.

SHARP PLUMBING, INC.,

Counter-defendant.

Case No.: 2:09-cv-00783-GMN-GWF

ORDER

Pending before the Court is the Motion for Summary Judgment (ECF No. 112) filed by
Third-Party Defendant/Counterclaimant National Fire & Marine Insurance Company
("National Fire & Marine") and the Motion to Complete Discovery (ECF No. 121) filed by

1 Third-Party Plaintiff/Counter-defendant Sharp Plumbing, Inc. ("Sharp Plumbing") along with
2 its Opposition to the Motion for Summary Judgment (ECF No. 120). Both motions are fully
3 briefed.

4 This case was initiated in May 2009 by Plaintiff National Union Fire Insurance
5 Company of Pittsburgh, PA ("NUFIC Pittsburgh"), against Defendant Sharp Plumbing and
6 Defendant Classic Plumbing, Inc. Because Defendant Classic Plumbing, Inc. was dismissed in
7 September 2009 (ECF No. 12), NUFIC Pittsburgh filed an Amended Complaint (ECF No. 16)
8 against Sharp Plumbing in October 2009.

9 When Sharp Plumbing filed its Answer, it also filed a Third-Party Complaint (ECF No.
10 24) against National Fire & Marine. Sharp Plumbing filed an Amended Third-Party Complaint
11 (ECF No. 56) in March 2010. National Fire & Marine responded in March 2010 with its
12 Answer and a Counterclaim against Sharp Plumbing (ECF No. 64).

13 In November 2010 NUFIC Pittsburgh and Sharp Plumbing dismissed all their claims
14 against each other (ECF No. 84). National Fire & Marine then filed an Amended Answer and
15 Counterclaim (ECF No. 89) against Sharp Plumbing in March 2011. In December 2011,
16 National Fire & Marine filed the currently-pending Motion for Summary Judgment (ECF No.
17 112).

18 In January 2012, Sharp Plumbing filed its opposition (ECF No. 120), which included a
19 Motion to Complete Discovery (ECF No. 121) pursuant to Fed. R. Civ. P. 56(d), and to
20 thereafter submit a supplemental brief regarding factual issues. Rule 56(d) allows a nonmovant
21 to state that it cannot present facts essential to justify its opposition, and to request that the
22 court (1) defer considering the motion or deny it; (2) allow time to obtain affidavits or
23 declarations or to take discovery; or (3) issue any other appropriate order. Fed. R. Civ. P. 56(d).

24 The discovery deadline expired April 20, 2012 (Amended Scheduling Order, ECF No.
25 109), and the parties have been extending the deposition deadlines since then. Currently, it is

1 unclear when discovery will conclude, since the parties still have outstanding depositions that
2 United States Magistrate Judge George Foley, Jr., granted them permission to conduct – the
3 deadline to commence expert depositions and to raise discovery disputes relating to those
4 depositions is September 21, 2012. (Order on Stipulation, ECF No. 154.)


5 Having reviewed the briefs and the docket, and finding good cause, the Court will grant
6 Sharp Plumbing's Motion to Complete Discovery (ECF No. 121), and deny National Fire &
7 Marine's Motion for Summary Judgment (ECF No. 112) without prejudice, with permission to
8 re-file the motion upon the close of discovery.

9 **IT IS HEREBY ORDERED** that the Motion to Complete Discovery (ECF No. 121) is
10 **GRANTED**.

11 **IT IS FURTHER ORDERED** that the Motion for Summary Judgment (ECF No. 112)
12 is **DENIED without prejudice**, with permission to re-file upon the close of discovery.

13 **IT IS FURTHER ORDERED** that the Status Hearing (ECF No. 163) currently
14 scheduled for September 13, 2012, at 9:00 a.m. is **VACATED**.

15 **DATED** this 31st day of August, 2012.

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20 Gloria M. Navarro
21 United States District Judge
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